

SEDGWICK LLP
BRUCE D. CELEBREZZE Bar No. 102181
ALEXANDER E. POTENTE Bar No. 208240
bruce.celebreze@sedgwicklaw.com
alex.potente@sedgwicklaw.com
333 Bush Street
30th Floor
San Francisco, CA 94104-2834
Telephone: (415) 781-7900
Facsimile: (415) 781-2635

Attorneys for Defendant and Counter- and Cross-Claimant
UNION SECURITY INSURANCE COMPANY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PAMELA STONEBREAKER, an individual,

Plaintiff,

V.

THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA, a corporation; WESTERN RESERVE LIFE ASSURANCE COMPANY OF OHIO, a corporation, UNION SECURITY INSURANCE COMPANY, a corporation, and DOES 1 through 100, inclusive.

Defendants.

And Related Counterclaims and Cross-claims.

CASE NO. 3:11-cv-0797-WQH (WVG)

**UNION SECURITY INSURANCE
COMPANY'S REQUEST FOR RULING
REGARDING DEPOSITION OF
PLAINTIFF PAMELA STONEBREAKER**

[Originally San Diego County Superior Court
Case No. 37-2011-00087721-CU-CO-CTL]

Action Filed: March 16, 2011

1 On August 31, 2011, the Honorable William Gallo prohibited plaintiff's deposition—
2 which plaintiff had noticed—from proceeding on that day based primarily on the objection of
3 Judge Patricia Cowett, the guardian for the minor Stonebreaker children. The Court indicated
4 that the deposition could proceed on September 13, 2011, for two hours.

5 In plaintiff's supplemental points and authorities in support of her ex parte request to
6 reschedule her motion for partial summary judgment to October 11, 2011 (ECF No. 93), plaintiff
7 represents that this Court “ordered that this would be defendants' opportunity to fully question
8 plaintiff about any issues pertaining to her breach of contract claim.” Union Security Insurance
9 Company (“Union Security”) believes that this statement does not fully represent Judge Gallo's
10 ruling regarding plaintiff's deposition. Union Security's recollection of the Court's verbal order
11 is set out in the next paragraph.

12 So that there can be no misunderstanding, Union Security respectfully requests that this
13 Court memorialize its ruling in a minute order clarifying 1) that defendants and the guardian ad
14 litem for the minor Stonebreaker children may depose plaintiff at some later date in addition to
15 the deposition proceeding on September 13, 2011, and 2) that the scope of that subsequent
16 deposition would not be limited. Union Security further requests that 3) if Union Security and
17 the other defendants require more than two hours to depose plaintiff on issues relating to
18 defending against her summary judgment motion, the two-hour time limit be treated flexibly by
19 plaintiff, that defendants be liberally allowed additional time to question plaintiff as required to
20 mount a full defense to her motion for summary judgment, and/or that defendants be permitted to

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1 file a Rule 56(d) motion in connection with their opposition to the motion for summary
2 judgment.

3 DATED: September 7, 2011 Respectfully submitted,
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5 SEDGWICK LLP

6 By: /s/ Alexander E. Potente

7 Bruce D. Celebrazze

8 Alexander E. Potente

9 Attorneys for Defendant and Counter- and Cross-
10 Claimant UNION SECURITY INSURANCE
11 COMPANY

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